

No. 27
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House of Representatives
92nd Legislature
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House Chamber, Lansing, Thursday, March 25, 2004.

10:00 a.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—excused	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—excused
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—excused
Gaffney—present			

e/d/s = entered during session

Rep. Rich Brown, from the 110th District, offered the following invocation:

“Dear God, thank You for this wonderful day. Thank You for this beautiful state. Thank You for this great country and thank You for this opportunity to serve. As we face the difficult days ahead, please give us the strength, wisdom, courage and most of all the compassion to do what is right for the people we serve, so that when we end our time in this great house, we can leave with our heads held high knowing we have done our best. We ask this in Your name. Amen.”

Rep. Waters moved that Reps. Hardman and Zelenko be excused from today’s session.
The motion prevailed.

Rep. Palmer moved that Rep. Tabor be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Rep. Richardville moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 252**.
The motion prevailed.

Reports of Standing Committees

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported
Senate Bill No. 744, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 2505 (MCL 324.2505), as added by 1995 PA 60, and by adding section 2505a.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ruth Johnson, LaJoy, Ehardt, Ward, Farrah, Gielegghem and Dennis

Nays: Reps. DeRossett and Milosch

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaJoy, Vice-Chair, of the Committee on Land Use and Environment, was received and read:

Meeting held on: Wednesday, March 24, 2004

Present: Reps. Ruth Johnson, LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegghem and Dennis

Absent: Rep. Law

Excused: Rep. Law

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported
Senate Bill No. 612, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide

for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10a (MCL 460.10a), as added by 2000 PA 141.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Woodward, Hopgood, Murphy and Stallworth

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Thursday, March 25, 2004

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Woodward, Hopgood, Murphy and Stallworth

Absent: Reps. LaSata and Daniels

Excused: Reps. LaSata and Daniels

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

Senate Bill No. 1032, entitled

A bill to amend 1994 PA 55, entitled "Confidential research information act," by amending the title and sections 1 and 2 (MCL 390.1551 and 390.1552) and by adding section 4a.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Voorhees, Hart, LaSata, Stakoe, Dennis, Hood and Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Voorhees, Chair, of the Committee on Higher Education, was received and read:

Meeting held on: Thursday, March 25, 2004

Present: Reps. Voorhees, Hart, LaSata, Stakoe, Dennis, Hood and Smith

The Committee on Appropriations, by Rep. Shulman, Chair, reported

House Bill No. 5516, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: Reps. Hoogendyk and Brandenburg

The Committee on Appropriations, by Rep. Shulman, Chair, reported

House Bill No. 5519, entitled

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Farhat, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: Reps. Hoogendyk and Brandenburg

The Committee on Appropriations, by Rep. Shulman, Chair, reported

House Bill No. 5520, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2005; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

House Bill No. 5521, entitled

A bill to make appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Amos, Farhat, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: Reps. Acciavatti, Hoogendyk and Brandenburg

The Committee on Appropriations, by Rep. Shulman, Chair, reported
House Bill No. 5528, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: Rep. Brandenburg

The Committee on Appropriations, by Rep. Shulman, Chair, reported
Senate Bill No. 1013, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 19 (MCL 567.239), as amended by 1997 PA 195, and by adding section 8b.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported
Senate Bill No. 1014, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36202 (MCL 324.36202), as added by 2000 PA 262.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported
Senate Bill No. 1015, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 408 (MCL 484.1408), as amended by 2003 PA 244.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

Senate Bill No. 1016, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1539 (MCL 380.1539), as added by 1988 PA 339.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

Senate Bill No. 1017, entitled

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending the title and sections 1, 2, 4, 4a, 5, 5c, 6, 6a, 6c, and 9 (MCL 256.601, 256.602, 256.604, 256.604a, 256.605, 256.605c, 256.606, 256.606a, 256.606c, and 256.609), the title and section 1 as amended and sections 4a and 6c as added by 1992 PA 169, sections 2, 4, and 6 as amended and section 5c as added by 1998 PA 11, section 5 as amended by 2000 PA 285, and section 6a as added by 1984 PA 391, and by adding sections 1a, 1b, and 1c and part 3 and by adding headings for parts 1, 2, and 3; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

Senate Bill No. 1018, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 306, 310e, and 811 (MCL 257.306, 257.310e, and 257.811), section 306 as amended by 2002 PA 534, section 310e as amended by 2003 PA 61, and section 811 as amended by 2003 PA 152.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

Senate Bill No. 1019, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2003 PA 168.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: Rep. Brandenburg

The Committee on Appropriations, by Rep. Shulman, Chair, reported

Senate Bill No. 1020, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 8 (MCL 390.1458), as amended by 2003 PA 186.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

The Committee on Appropriations, by Rep. Shulman, Chair, reported

Senate Bill No. 1021, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 3 and 4 (MCL 38.1603 and 38.1604), section 3 as amended by 2000 PA 374, and by adding section 24a.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Shulman, Chair, of the Committee on Appropriations, was received and read:

Meeting held on: Wednesday, March 24, 2004

Present: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Whitmer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak and O'Neil

Absent: Rep. Zelenko

Excused: Rep. Zelenko

The Committee on Government Operations, by Rep. Koetje, Chair, reported

Senate Bill No. 109, entitled

A bill to amend 1975 PA 164, entitled "An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking," by amending sections 2 and 4 (MCL 18.302 and 18.304).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Drolet, Howell and Lipsey

Nays: None

The Committee on Government Operations, by Rep. Koetje, Chair, reported

House Resolution No. 193.

A resolution to memorialize the Congress of the United States to increase the level of federal funds available to the states for DNA testing.

(For text of resolution, see House Journal No. 8, p. 84.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Thursday, March 25, 2004

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

The Committee on Transportation, by Rep. DeRossett, Chair, reported

House Bill No. 4680, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 217j.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward and Gleason

Nays: Reps. Anderson, Jannick, Tobocman, Adamini, Murphy and Elkins

The Committee on Transportation, by Rep. DeRossett, Chair, reported

House Bill No. 5094, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 613a (MCL 257.613a).

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, Gaffney, Hune, Huizenga, LaJoy, Robertson, Anderson, Jannick, Gleason, Tobocman, Adamini, Murphy and Elkins

Nays: None

The Committee on Transportation, by Rep. DeRossett, Chair, reported

House Bill No. 5318, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10 and 11b (MCL 247.660 and 247.661b), section 10 as amended by 2003 PA 151 and section 11b as amended by 1992 PA 223.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Anderson, Jannick, Gleason, Tobocman, Adamini, Murphy and Elkins

Nays: None

The Committee on Transportation, by Rep. DeRossett, Chair, reported

House Bill No. 5319, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2003 PA 151.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeRossett, Chair, of the Committee on Transportation, was received and read:

Meeting held on: Thursday, March 25, 2004

Present: Reps. DeRossett, Casperson, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hager, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, March 24, 2004

Present: Reps. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen, Hardman, Clack and Elkins

Messages from the Senate

The Speaker laid before the House

House Bill No. 5120, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 1d, 65, 310d, 319b, 321a, 625, 625b, 727, and 732 (MCL 257.1d, 257.65, 257.310d, 257.319b, 257.321a, 257.625, 257.625b, 257.727, and

257.732), section 1d as added and sections 310d and 625 as amended by 2003 PA 61, section 65 as amended by 1994 PA 449, sections 319b and 732 as amended by 2002 PA 534, section 321a as amended by 2002 PA 741, section 625b as amended by 1998 PA 357, and section 727 as amended by 1998 PA 348.

(The bill was received from the Senate on February 3, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 4, see House Journal No. 7, p. 71.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

Rep. Van Regenmorter moved to amend the Senate substitute (S-3) as follows:

1. Amend page 46, line 25, after “subsection” by striking out “(15)” and inserting “(16)”.
 2. Amend page 50, line 3, after “has” by striking out the balance of the line through “**juvenile**” on line 4 and inserting “**pled guilty to, or offered a plea of admission in a juvenile proceeding**”.
 3. Amend page 56, line 23, after “plea” by striking out “**and discharge or**” and inserting “**to and the discharge and**”.
- The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Van Regenmorter moved to substitute (H-3) the Senate substitute (S-3).

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3), as substituted (H-3), was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 169

Yeas—99

Accavitti	Gaffney	Meyer	Sheen
Acciavatti	Garfield	Middaugh	Sheltrown
Adamini	Gielegem	Milosch	Shulman
Amos	Gillard	Moolenaar	Spade
Anderson	Gleason	Mortimer	Stahl
Bieda	Hager	Murphy	Stakoe
Bisbee	Hart	Newell	Stallworth
Bradstreet	Hood	Nitz	Steil
Brandenburg	Hoogendyk	Nofs	Stewart
Brown	Hopgood	O’Neil	Taub
Byrum	Howell	Palmer	Tobocman
Casperson	Huizenga	Palsrok	Vagnozzi
Caswell	Hummel	Pappageorge	Van Regenmorter
Caul	Hune	Pastor	Vander Veen
Cheeks	Hunter	Phillips	Voorhees
Clack	Johnson, Rick	Plakas	Walker
Condino	Johnson, Ruth	Pumford	Ward
Daniels	Julian	Reeves	Waters
DeRossett	Koetje	Richardville	Wenke
Drolet	Kooiman	Rivet	Whitmer
Ehardt	LaJoy	Robertson	Williams
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	McConico	Shackleton	Woronchak
Farrah	Meisner	Shaffer	

Nays—7

Dennis	Jamnick	Lipsey	Smith
DeRoche	Kolb	Minore	

In The Chair: Julian

The House agreed to the title as amended.

Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Senate Bill No. 612, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10a (MCL 460.10a), as added by 2000 PA 141.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Energy and Technology,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Richardville moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

Rep. Waters moved that Rep. Whitmer be excused temporarily from today's session.
The motion prevailed.

Rep. Rocca moved that Rep. Ruth Johnson be excused temporarily from today's session.
The motion prevailed.

By unanimous consent the House returned to the order of
Third Reading of Bills

Senate Bill No. 612, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10a (MCL 460.10a), as added by 2000 PA 141.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 170

Yeas—104

Accavitti
Acciavatti

Farrah
Gaffney

McConico
Meisner

Shackleton
Shaffer

Adamini	Garfield	Meyer	Sheen
Amos	Gielegem	Middaugh	Sheltrown
Anderson	Gillard	Milosch	Shulman
Bieda	Gleason	Minore	Smith
Bisbee	Hager	Moolenaar	Spade
Bradstreet	Hart	Mortimer	Stahl
Brandenburg	Hood	Murphy	Stakoe
Brown	Hoogendyk	Newell	Stallworth
Byrum	Hopgood	Nitz	Steil
Casperson	Howell	Nofs	Stewart
Caswell	Huizenga	O'Neil	Taub
Caul	Hummel	Palmer	Tobocman
Cheeks	Hune	Palsrok	Vagnozzi
Clack	Hunter	Pappageorge	Van Regenmorter
Condino	Jamnack	Pastor	Vander Veen
Daniels	Johnson, Rick	Phillips	Voorhees
Dennis	Julian	Plakas	Walker
DeRoche	Koetje	Pumford	Ward
DeRossett	Kolb	Reeves	Waters
Drolet	Kooiman	Richardville	Wenke
Ehardt	LaJoy	Rivet	Williams
Elkins	LaSata	Robertson	Wojno
Emmons	Law	Rocca	Woodward
Farhat	Lipsey	Sak	Woronchak

Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” by amending section 10a (MCL 460.10a), as amended by 2003 PA 214.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Senate Bill No. 637, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

(The bill was read a third time and postponed for the day on February 12, see House Journal No. 12, p. 178.)

The question being on the passage of the bill,

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 8, following line 16, by inserting:

“(14) In a criminal prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.” and renumbering the remaining subsection.

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.
 The question being on the passage of the bill,
 The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 171**Yeas—78**

Accavitti	Gleason	Milosch	Shaffer
Acciavatti	Hager	Moolenaar	Sheen
Amos	Hart	Mortimer	Sheltrown
Anderson	Hood	Murphy	Shulman
Bieda	Hoogendyk	Newell	Spade
Bisbee	Hopgood	Nitz	Stahl
Bradstreet	Howell	Nofs	Stakoe
Brandenburg	Huizenga	O'Neil	Stallworth
Brown	Hummel	Palmer	Steil
Byrum	Johnson, Rick	Palsrok	Stewart
Casperson	Johnson, Ruth	Pappageorge	Taub
Caswell	Julian	Pastor	Van Regenmorter
Condino	Koetje	Phillips	Vander Veen
DeRossett	Kooiman	Plakas	Voorhees
Drolet	LaJoy	Pumford	Walker
Ehardt	LaSata	Robertson	Ward
Emmons	Law	Rocca	Wenke
Farhat	Meisner	Sak	Wojno
Gaffney	Meyer	Shackleton	Woronchak
Garfield	Middaugh		

Nays—28

Adamini	Elkins	Kolb	Smith
Caul	Farrar	Lipsey	Tobocman
Cheeks	Gielegem	McConico	Vagnozzi
Clack	Gillard	Minore	Waters
Daniels	Hune	Reeves	Whitmer
Dennis	Hunter	Richardville	Williams
DeRoche	Jamnick	Rivet	Woodward

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

Senate Bill No. 339, entitled

A bill to amend 1970 PA 169, entitled “Local historic districts act,” by amending sections 1a and 5 (MCL 399.201a and 399.205), as amended by 2001 PA 67.

The bill was read a second time.

Rep. Richardville moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.



Rep. Nitz moved that Reps. Bradstreet, Sheen and Ward be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 339, entitled

A bill to amend 1970 PA 169, entitled “Local historic districts act,” by amending sections 1a and 5 (MCL 399.201a and 399.205), as amended by 2001 PA 67.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 172

Yeas—95

Accavitti	Gieleghem	Middaugh	Sheltrown
Acciavatti	Gillard	Minore	Shulman
Adamini	Gleason	Moolenaar	Smith
Amos	Hager	Mortimer	Spade
Anderson	Hart	Murphy	Stahl
Bieda	Hood	Newell	Stakoe
Bisbee	Hopgood	Nitz	Stallworth
Brandenburg	Howell	Nofs	Steil
Brown	Hummel	O’Neil	Stewart
Byrum	Hunter	Palmer	Taub
Casperson	Jamnick	Palsrok	Tobocman
Caul	Johnson, Rick	Pappageorge	Vagnozzi
Cheeks	Johnson, Ruth	Pastor	Van Regenmorter
Clack	Julian	Phillips	Vander Veen
Condino	Koetje	Plakas	Voorhees
Daniels	Kolb	Pumford	Walker
Dennis	Kooiman	Reeves	Waters
DeRossett	LaJoy	Richardville	Wenke
Ehardt	LaSata	Rivet	Whitmer
Elkins	Law	Robertson	Williams
Emmons	Lipsey	Rocca	Wojno
Farhat	McConico	Sak	Woodward
Farrah	Meisner	Shackleton	Woronchak
Gaffney	Meyer	Shaffer	

Nays—8

Caswell	Drolet	Hoogendyk	Hune
DeRoche	Garfield	Huizenga	Milosch

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the establishment of historic districts; to provide for the acquisition of certain resources for historic preservation purposes; to provide for preservation of historic and nonhistoric resources within historic districts; to provide for the establishment of historic district commissions; to provide for the maintenance of publicly owned resources by local units; to provide for certain assessments under certain circumstances; to provide for procedures; and to provide for remedies and penalties.”

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

Senate Bill No. 742, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 4c.

The bill was read a second time.

Rep. Richardville moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 742, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 4c.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 173

Yeas—93

Accavitti	Gleason	Minore	Shulman
Acciavatti	Hager	Moolenaar	Smith
Adamini	Hart	Mortimer	Spade
Amos	Hood	Murphy	Stahl
Anderson	Hoogendyk	Newell	Stakoe
Bieda	Hopgood	Nitz	Stallworth
Brown	Howell	Nofs	Steil
Byrum	Hunter	O’Neil	Stewart
Casperson	Jamnick	Palsrok	Taub
Caul	Johnson, Rick	Pappageorge	Tobocman
Cheeks	Johnson, Ruth	Pastor	Vagnozzi
Clack	Julian	Phillips	Van Regenmorter
Condino	Koetje	Plakas	Vander Veen
Daniels	Kolb	Pumford	Voorhees
Dennis	Kooiman	Reeves	Walker
DeRossett	LaJoy	Richardville	Ward
Ehardt	LaSata	Rivet	Waters
Elkins	Law	Robertson	Wenke
Emmons	Lipsey	Rocca	Whitmer
Farhat	McConico	Sak	Williams
Farrar	Meisner	Shackleton	Wojno
Gaffney	Meyer	Shaffer	Woodward
Gielegem	Middaugh	Sheltrown	Woronchak
Gillard			

Nays—12

Bisbee	DeRoche	Huizenga	Milosch
Brandenburg	Drolet	Hummel	Palmer
Caswell	Garfield	Hune	Sheen

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create a construction code commission and prescribe its functions; to authorize the director to promulgate rules with recommendations from each affected board relating to the construction, alteration, demolition, occupancy, and use of buildings and structures; to prescribe energy conservation standards for the construction of certain buildings; to provide for statewide approval of premanufactured units; to provide for the testing of new devices, materials, and techniques for the construction of buildings and structures; to define the classes of buildings and structures affected by the act; to provide for administration and enforcement of the act; to create a state construction code fund; to prohibit certain conduct; to establish penalties, remedies, and sanctions for violations of the act; to repeal acts and parts of acts; and to provide an appropriation.”

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills**House Bill No. 5666, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

The bill was read a second time.

Rep. Walker moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5666, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 174**Yeas—97**

Accavitti	Gaffney	Meyer	Sheen
Acciavatti	Garfield	Middaugh	Sheltrown
Adamini	Gielegem	Milosch	Shulman
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hart	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nofs	Stewart

Brown	Hopgood	O'Neil	Taub
Byrum	Howell	Palmer	Tobocman
Casperson	Huizenga	Palsrok	Vagnozzi
Caul	Hummel	Pappageorge	Van Regenmorter
Cheeks	Hunter	Phillips	Vander Veen
Clack	Jamnack	Plakas	Voorhees
Condino	Johnson, Rick	Pumford	Walker
Daniels	Johnson, Ruth	Reeves	Ward
Dennis	Kolb	Richardville	Waters
DeRossett	Kooiman	Rivet	Wenke
Drolet	LaJoy	Robertson	Whitmer
Ehardt	Law	Rocca	Williams
Elkins	Lipsey	Sak	Wojno
Emmons	McConico	Shackleton	Woodward
Farhat	Meisner	Shaffer	Woronchak
Farrah			

Nays—9

Caswell	Julian	LaSata	Pastor
DeRoche	Koetje	Nitz	Steil
Hune			

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Richardville, Palmer, Vagnozzi, Stakoe, Gleason, Milosch and Palsrok were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5479, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8142 (MCL 600.8142).

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Richardville moved that Rule 45 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 175

Yeas—58

Accavitti	Hart	Newell	Shulman
Acciavatti	Howell	Nitz	Stahl
Amos	Huizenga	Nofs	Stakoe

Bisbee	Hummel	Palmer	Steil
Brandenburg	Hune	Palsrok	Stewart
Casperson	Johnson, Rick	Pappageorge	Taub
Caswell	Johnson, Ruth	Pastor	Van Regenmorter
Caul	Julian	Pumford	Vander Veen
DeRossett	Koetje	Richardville	Voorhees
Emmons	Kooiman	Rivet	Walker
Farhat	LaJoy	Rocca	Ward
Gaffney	LaSata	Sak	Wenke
Garfield	Meyer	Shaffer	Wojno
Gielegem	Middaugh	Sheltrown	Woronchak
Hager	Moolenaar		

Nays—38

Adamini	Farrah	Milosch	Smith
Anderson	Gleason	Minore	Spade
Bieda	Hood	Mortimer	Stallworth
Bradstreet	Hoogendyk	O'Neil	Tobocman
Brown	Hopgood	Phillips	Vagnozzi
Byrum	Jamnick	Plakas	Waters
Cheeks	Kolb	Reeves	Whitmer
Condino	Law	Robertson	Williams
Daniels	Lipsey	Sheen	Woodward
Dennis	Meisner		

In The Chair: Julian

The House agreed to the full title of the bill.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Second Reading of Bills

House Bill No. 5648, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 18 and 18m of chapter XIIA (MCL 712A.18 and 712A.18m), section 18 as amended and section 18m as added by 2003 PA 71.

The bill was read a second time.

Rep. Howell moved to amend the bill as follows:

1. Amend page 10, line 24, after "court" by striking out the balance of the line through "association" on line 26.
2. Amend page 10, line 26, after "guidelines" by striking out the balance of the line through "schedule" on line 27 and inserting "**that**".

3. Amend page 11, line 3, after "guidelines" by striking out "and model schedule".

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Howell moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

Rep. Hood moved that Reps. Hunter and McConico be excused temporarily from today's session.

The motion prevailed.

Rep. Nitz moved that Rep. Gaffney be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5648, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 18 and 18m of chapter XIAA (MCL 712A.18 and 712A.18m), section 18 as amended and section 18m as added by 2003 PA 71.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 176

Yeas—102

Accavitti	Garfield	Middaugh	Sheen
Acciavatti	Gielegem	Milosch	Sheltrown
Adamini	Gillard	Minore	Shulman
Amos	Gleason	Moolenaar	Smith
Anderson	Hager	Mortimer	Spade
Bieda	Hart	Murphy	Stahl
Bisbee	Hood	Newell	Stakoe
Bradstreet	Hoogendyk	Nitz	Stallworth
Brandenburg	Hopgood	Nofs	Steil
Brown	Howell	O'Neil	Stewart
Byrum	Huizenga	Palmer	Taub
Casperson	Hummel	Palsrok	Tobocman
Caswell	Hune	Pappageorge	Vagnozzi
Caul	Jamnick	Pastor	Van Regenmorter
Cheeks	Johnson, Rick	Phillips	Vander Veen
Clack	Johnson, Ruth	Plakas	Voorhees
Condino	Julian	Pumford	Walker
Dennis	Koetje	Reeves	Ward
DeRoche	Kolb	Richardville	Waters
DeRossett	Kooiman	Rivet	Wenke
Drolet	LaJoy	Robertson	Whitmer
Ehardt	LaSata	Rocca	Williams
Elkins	Law	Sak	Wojno
Emmons	Lipsey	Shackleton	Woodward
Farhat	Meisner	Shaffer	Woronchak
Farrah	Meyer		

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of

Reports of Select Committees

The Senate returned, in accordance with the request of the House

Senate Bill No. 252, entitled

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural

resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 3103, 3112, 3113, 3115, 3118, and 3119 (MCL 324.3103, 324.3112, 324.3113, 324.3115, 324.3118, and 324.3119), section 3118 as amended by 1999 PA 35 and section 3119 as amended by 1999 PA 106, and by adding sections 3120 and 3121.

(The bill was enrolled on February 14, see Senate Journal No. 14, p. 182; returned from the Senate per House request on March 25, see today's Journal p. 516.)

Rep. Richardville moved that Rule 67 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved to reconsider the vote by which the House adopted the conference report.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the conference report,

The conference report was then not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 177

Yeas—0

Nays—102

Accavitti	Gaffney	Meyer	Sheen
Acciavatti	Garfield	Middaugh	Sheltrown
Adamini	Gielegem	Milosch	Shulman
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hart	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	Nofs	Stewart
Byrum	Howell	Palmer	Taub
Casperson	Huizenga	Palsrok	Tobocman
Caswell	Hummel	Pappageorge	Vagnozzi
Caul	Hune	Pastor	Van Regenmorter
Cheeks	Jamnick	Phillips	Vander Veen
Clack	Johnson, Rick	Plakas	Voorhees
Condino	Johnson, Ruth	Pumford	Walker
Daniels	Julian	Reeves	Ward
Dennis	Koetje	Richardville	Waters
DeRoche	Kolb	Rivet	Wenke
Drolet	Kooiman	Robertson	Whitmer
Ehardt	LaJoy	Rocca	Williams
Elkins	LaSata	Sak	Wojno
Emmons	Law	Shackleton	Woodward
Farhat	Lipsey	Shaffer	Woronchak
Farrah	Meisner		

In The Chair: Julian

The Speaker appointed as second conferees, on the part of the House of Representatives, Reps. Koetje, Howell and Tobocman.

Rep. Richardville moved that House Committees be given leave to meet during the balance of today's session. The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Stewart, Accavitti, Adamini, Anderson, Bradstreet, Brown, Caul, Clack, Condino, Dennis, DeRossett, Ehardt, Farhat, Farrah, Gielegem, Gillard, Gleason, Hager, Jamnick, Kolb, LaSata, Law, Lipsey, Meyer, Minore, Murphy, Nitz, Pappageorge, Phillips, Richardville, Sak, Sheltroun, Shulman, Spade, Stakoe, Stallworth, Taub, Tobocman, Vagnozzi, Voorhees, Ward, Wojno and Woronchak offered the following resolution:

House Resolution No. 225.

A resolution commemorating Governor William G. Milliken on the celebration of his 82nd birthday on March 26, 2004.

Whereas, William G. Milliken was born March 26, 1922, in Traverse City, Michigan; and

Whereas, He served in the United States Army Air Forces during World War II, when his plane was shot down and he was wounded, earning him the Purple Heart; and

Whereas, Upon his return from the service, he managed the family business until his election as a state senator in 1961, where he served until his election for lieutenant governor in 1965; and

Whereas, Upon assuming the governorship, after the resignation of Governor Romney to join President Nixon's cabinet, Milliken began his service as the longest serving governor in Michigan history, from 1965-1982; and

Whereas, He is considered, by many, to be a man of character and fighting spirit and also one of Michigan's most effective leaders; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate Governor William G. Milliken on the celebration of his 82nd birthday on March 26, 2004; and be it further

Resolved, That a copy of this resolution be transmitted to Governor Milliken.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 25:

House Bill Nos. 5695 5696 5697 5698 5699 5700 5701 5702 5703 5704 5705

The Clerk announced that the following Senate bills had been received on Thursday, March 25:

Senate Bill Nos. 998 999 1000 1026 1093

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4720, entitled

A bill to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 263 (MCL 18.1263).

The Senate has concurred in the House amendments to the Senate substitute (S-1).

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 5117, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20531. The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 5119, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111k. The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 5480, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 549g (MCL 600.549g), as added by 1981 PA 182.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

House Bill No. 4702, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8 and 27 (MCL 211.8 and 211.27), section 8 as amended by 2002 PA 620 and section 27 as amended by 2003 PA 274.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 998, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 10A.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Senate Bill No. 999, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 2002 PA 79.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Senate Bill No. 1000, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11 and 14 of chapter II, sections 4a, 16a, and 31 of chapter IX, and sections 1 and 3 of chapter XI (MCL 762.11, 762.14, 769.4a, 769.16a, 769.31, 771.1, and 771.3), section 11 of chapter II as amended by 1993 PA 293, section 14 of chapter II as amended by 1994 PA 286, section 4a of chapter IX as amended by 2001 PA 208, section 16a of chapter IX as amended by 2001 PA 204, section 31 of chapter IX as amended by 2002 PA 31, section 1 of chapter XI as amended by 2002 PA 666, and section 3 of chapter XI as amended by 2003 PA 101, and by adding section 4b to chapter IX.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Senate Bill No. 1026, entitled

A bill to designate Michigan manufacturing day in the state of Michigan.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Commerce.

Senate Bill No. 1093, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f. The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Commerce.

Senate Concurrent Resolution No. 10.

A concurrent resolution to urge the United States Supreme Court to reverse the decision of the Ninth United States Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance with the phrase "under God."

Whereas, On February 28, 2003, the San Francisco-based Ninth United States Circuit Court of Appeals decided not to revisit an earlier decision by a three-judge panel regarding the unconstitutionality of the Pledge of Allegiance with the phrase "under God." In doing so, this court has turned down the President's request to rehear the case and turned away from considering factors that prove the appropriateness of the words "under God" in this revered declaration of loyalty to the flag and our republic; and

Whereas, The notion that the nonspecific two-word reference of "under God" constitutes an endorsement of a state religion or any religion at all is difficult to fathom. Americans have pledged their allegiance to the flag of the United States of America, with this contested phrase, for nearly five decades. It should be clear to all that, in that time, the freedom to worship, or not worship, has not been diminished in any way; and

Whereas, The public outcry in reaction to the court's refusal to reconsider the earlier ruling reflects the strong feelings that people in Michigan and across the country have for the Pledge of Allegiance. Americans have recited this affirmation of loyalty, with these two words, proudly for fifty years. The ruling is in direct conflict with patriotic references to a deity that have been part of our nation since the Declaration of Independence; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Supreme Court to reverse the decision of the Ninth United States Circuit Court of Appeals regarding the constitutionality of the Pledge of Allegiance with the phrase "under God". We urge the nation's highest court to act quickly to affirm the status of the Pledge of Allegiance as we have recited it for the past five decades; and be it further

Resolved, That copies of this resolution be transmitted to the United States Supreme Court.

The Senate has adopted the concurrent resolution.

Reps. Accavitti, Acciavatti, Anderson, Bradstreet, Brandenburg, Brown, Caul, DeRossett, Ehardt, Farhat, Gleason, Hager, Hoogendyk, Hummel, Meyer, Nitz, Palmer, Pappageorge, Richardville, Rocca, Sak, Shaffer, Sheen, Sheltroun, Spade, Stahl, Stakoe, Stallworth, Stewart, Taub, Vander Veen, Voorhees, Ward, Wojno, Middaugh and Pastor were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Government Operations.

Notices

March 25, 2004

Mr. Gary Randall
Clerk of the House
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

Please make note in your records that Representative Paula Zelenko is replaced by Representative Dianne Byrum on the House of Representatives Tax Policy Committee.

This will take effect on March 25, 2004. If you have any further questions regarding this matter please feel free to contact me at 373-1747.

Sincerely,
Rick Johnson
Speaker of the House

Introduction of Bills

Reps. Ehardt, Milosch, Tabor, DeRossett, Richardville and Huizenga introduced

House Bill No. 5706, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Wenke, Howell and Bieda introduced

House Bill No. 5707, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 324 (MCL 750.324).
The bill was read a first time by its title and referred to the Committee on Criminal Justice.



Rep. Brown moved that the House adjourn.
The motion prevailed, the time being 1:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 30, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

